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TO

Promote the Improvement of Land by occupying Tenants in Ireland.

WHEREAS by the Act of the Tenth Year of Her Majesty, *Preamble,*
Chapter Thirty-two, and several subsequent Acts amend-
ing the same, Owners of Landed Property in Ireland
have been enabled to obtain Loans for the Improvement of their
5 Estates from Sums provided by Parliament, and great Benefit to the
Country has accrued thereby; and it is desirable to extend the
Principle of the said Acts further, so as to encourage Improvements
by the occupying Tenants of Agricultural Holdings in Ireland:

10 Be it enacted by the Queen's most Excellent Majesty, by and
with the Advice and Consent of the Lords Spiritual and Temporal,
and Commons, in this present Parliament assembled, and by the
Authority of the same, as follows:

1. This Act shall come into operation on the *First Day of Commence-*
January One thousand eight hundred and sixty-eight, shall extend *of Act,*
15 to Ireland only, and may be cited for all Purposes as "The Im- *Extent, and*
provements by Tenants Act (Ireland), 1867." *Short Title.*

[Bill 29.]

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2. In

Interpre-
tation Clause.

2. In the Construction of this Act the following Words and Expressions shall have the Meaning hereby assigned to them, unless there be something in the Subject or Context repugnant thereto :

The Word " Holding " shall mean Land let for ordinary Agricultural Purposes, and all Buildings thereon or held therewith, 5 but shall not include Land let for the Time being for Con-acre, or for the Purpose of cropping or depasturing for One or Two Seasons only, or for any special or temporary Purpose, nor shall it include any Case where a House or other Building shall form the principal Subject of the Letting, nor any Land which 10 is let for Building, or let by the Foot or other Lineal Measurement calculated on the Extent of Frontage to any Road or Street, or Lands (ordinarily termed Town Parks) which, near or adjoining to any City or Town, shall bear an increased Value as Accommodation Land over and above the ordinary 15 Letting Value of Land occupied as a Farm :

The Word " Tenant " shall mean any Person in the actual Occupation of such Holding at a Rent as Tenant from Year to Year, or for any greater Estate or Interest, not being an Estate or Interest which would entitle such Person to be deemed an 20 Owner of such Land within the Provisions of the Sixth Section of the recited Act of the Tenth Year of Her Majesty, and who shall not at the Date of the Application herein-after mentioned have been served with a Notice to quit or Ejectment then pending, and shall include the lawful Representatives of such 25 Tenant, and generally all Parties claiming or deriving Title from, through, by, or under such Tenant by lawful Assignment, Devise, Bequest, or Act or Operation of Law :

The Word " Landlord " shall mean the Person who is in the actual Receipt of the Rent payable by the Tenant, and entitled 30 to the next Estate or Interest in Reversion upon or above the Estate or Interest of the Tenant, provided that the Estate or Interest of such Person be such as would entitle him to be deemed an Owner of Land within the Provisions of the said Sixth Section of said recited Act, but if it be not, then the 35 said Word shall mean the Person who has the First such Estate or Interest next in Reversion upon or above the Estate or Interest of the Tenant :

The Word " Improvement " shall mean—

1. The Thorough Drainage or Main Drainage of Land : 40
2. The reclaiming of Bog Land, or reclaiming or inclosing of Waste Land, or clearing Land of Rocks or Stones :
3. The Removal of useless Fences :
4. The making of Fences :
5. The making of Farm Roads : 45

6. The

6. The erecting of a Farmhouse or other Buildings solely for Agricultural Purposes suitable to the Holding, or the rebuilding or enlarging the same :

Provided that such Improvements shall not extend to anything to be done in pursuance of a Contract binding the Tenant to make the same or like Improvements, or to Improvements to be made in consideration of any Reduction or Abatement of the Rent or other Allowance, nor to any Works which are not required for or suitable to the Tenant's Holding, or which have not Reference solely to an Increase of the Agricultural Value of the Holding :

The Expression the "Commissioner" shall mean the Commissioner of Improvements for the Time being appointed under this Act.

- 15 3. The Lord Lieutenant of Ireland may, with the Approval of the Lords Commissioners of Her Majesty's Treasury, by Warrant under his Hand, appoint any One fit and proper Person to be Commissioner under this Act during his Pleasure, to be called the Commissioner of Tenants Improvements in Ireland, and upon
 20 every Vacancy in the Office of such Commissioner may appoint some other fit Person to fill such Vacancy. The Commissioner shall for the Purposes of this Act be a Corporation, with perpetual Succession and an official Seal, and any Certificate, Order, Warrant, or other Instrument or Copy thereof, purporting to be
 25 sealed with the said official Seal, shall be received in Evidence without any further Proof; and such Commissioner shall be attached to and become One of the Commissioners of Public Works of Ireland, and shall conduct and carry out his special Duties under this Act; and the several Officers of the Board, not being Commis-
 30 sioners, shall assist the said Commissioner in their several Departments, in the same Manner and to the same Extent as they have heretofore done when acting under the Commissioner entrusted with the Management of the "Land Improvement Act," Tenth Victoria, Chapter Thirty-two; and the Lord Lieutenant of Ireland,
 35 with the Consent of the said Lords Commissioners, may appoint such Officers and Clerks, in addition to those already employed by said Board of Public Works, as may be necessary for the Purposes of this Act, and the said Lords Commissioners shall from Time to Time fix such Salaries as they may think fit for the said
 40 Commissioner and for such additional Officers and Clerks.

Power to appoint Commissioners of Improvements.

4. The Commissioner shall from Time to Time, with the Consent and Approval of the Lord Lieutenant of Ireland in Council and of the said Lords Commissioners, make General Rules and Regulations for carrying into effect the Provisions of this Act, and for deter-

Commissioner to make Rules.

mining the Persons to receive Notices of the Proceedings under this Act, and for the making of preliminary Inquiries, and the defraying and securing the Expenses of same, and for the securing the due Expenditure of Loans and Instalments of Loans, and the due Execution and Maintenance of Improvements, and for the Collection 5 of the Rentcharges payable under this Act, and for all other Purposes incidental thereto, and may also from Time to Time, with like Consent and Approval, rescind, vary, or change the same; and all such Rules and Regulations as shall be approved of as aforesaid shall be laid before both Houses of Parliament within *One Calendar Month* 10 from the Date of such Approval, if Parliament be then sitting, or if Parliament be not then sitting within *One Calendar Month* from the Commencement of the then next Session of Parliament; and the Commissioner shall once in each Year submit to the Lord Lieutenant a General Report of his Proceedings in execution of this 15 Act, and every such General Report shall be laid before both Houses of Parliament.

Commissioners of Treasury may issue Monies for Purposes of Act.
29 & 30 Vict.
c. 40.

5. It shall be lawful for the Commissioners of Her Majesty's Treasury from Time to Time to issue and advance to the said Commissioner, out of the Sum not exceeding One Million Pounds 20 Sterling, which by an Act passed in the Twenty-ninth and Thirtieth Year of the Reign of Her Majesty, Chapter Forty, (Landed Property Improvement, Ireland,) they are authorized to cause to be issued out of the Consolidated Fund of the United Kingdom, or out of the growing Produce thereof for the Purposes of said Act, such Sum or 25 Sums of Money as may be required for the Purposes of this Act; and it shall be lawful for the Commissioner thereout to make Loans to any Tenant for the Purposes of this Act, as herein-after provided.

Application by Tenant.

6. Any Tenant desirous to avail himself of the Provisions of 30 this Act may apply to the Commissioner by a Memorial in the Form in the Schedule (A.) to this Act annexed, or such other like Form as the Commissioner shall by any Rule or Regulation provide, or as near thereto as the Circumstances of the Case will admit; and the Commissioner may proceed in respect to such Memorial 35 according to such General Rules and Regulations as shall from Time to Time be made as aforesaid under this Act, and shall give Notice of such Application to the Landlord of such Tenant as herein-before defined, and also to the Person in actual Receipt of the Rent of such Tenant, if other than such Landlord, and to such 40 other Persons as he shall think fit, and shall make all proper and necessary Inquiries to enable him to judge of the Propriety of sanctioning or refusing to sanction Improvements under this Act.

7. The

7. The Commissioner, if he shall be satisfied that such Improvements will effect, immediately or prospectively, an Improvement in the annual Value of the Holding to an Amount exceeding the utmost annual Amount to be charged thereon under this Act, and
 5 that same should be made under the Provisions of this Act, shall grant to such Tenant a Certificate under his Common Seal sanctioning the same, and such Certificate shall be in the Form to be provided by the Rules and Regulations so to be made as aforesaid :
 Provided always, that, as regards Improvements numbered 4, 5, and
 10 6 in the Second Clause before mentioned, the Commissioner shall not grant any such Certificate in case the Landlord shall, within One Month after the Receipt of the Notice of said Application, signify in Writing to the Commissioner his Dissent from the making of such contemplated Improvements, and shall not, after the Commissioner has explained his Reasons for thinking such Improvements
 15 desirable, withdraw in Writing such Dissent.

Commissioner may grant Certificate of Improvements ;

8. Upon the granting of any such Certificate, in case such Improvements are to be made by way of Loan, it shall be lawful for the Commissioner to advance out of the Monies provided by
 20 this Act the Amount specified in such Certificate, in such Installments and on such Conditions as shall be prescribed by the Rules and Regulations herein-before mentioned ; and when the Commissioner shall have advanced the total Amount of the Loan by him sanctioned as aforesaid, and on the Completion of such Improvements, he shall grant a further Certificate under his Hand and Seal, stating the Amount of the Sums actually advanced, and the Times of advancing the same, and the same shall thereupon become a Charge on the Holding included in such Certificate, and be repaid
 25 in manner herein-after mentioned, and such Certificate shall be forthwith registered by said Commissioner in manner herein-after provided.

and may make Advances by way of Loan for such Improvements.

9. Every Loan made by the Commissioner shall be repayable by a Rentcharge at the Rate of *Five per Centum per Annum* on the Sum advanced, and charged upon the Holding for a Term of
 35 *Thirty-five* Years from the Date of such last-mentioned Certificate, and be payable in half-yearly Installments by the occupying Tenant in like Manner as a Loan to an Owner under the herein-before recited Acts ; and, save as in this Act otherwise provided, the several Provisions of the said recited Act, and of the several
 40 Acts amending the same, as to the securing of Loans made under those Acts by Rentcharges on the Lands improved, and as to the Priority of such Rentcharges over other Charges on the same Lands, and as to the releasing of the Lands charged therewith,

Securing Rent-charges, &c.

shall extend to the Loans made and to the Rentcharges charged upon the Holding under this Act.

Securing
Rentcharge
where Im-
provement
made at
Expense of
Tenant.

10. In case any Tenant shall propose to make Improvements at his own Expense under this Act, and the Commissioner shall sanction the same, he shall issue to the Tenant his Certificate in 5 Writing under his Hand and Common Seal of such Sanction, containing such Particulars, as near as may be, as the Certificate in Clause Seven; and upon the Completion of the proposed Improvements in a Manner satisfactory to the Commissioner, he shall issue to such Tenant a further Certificate declaring that said Improve- 10 ments have been duly completed, and that the Cost thereof, or of such Portion as he shall think fit to allow, not exceeding the Sum proposed or mentioned in the Tenant's Application, shall be a Charge on said Holding; and such Certificate shall be registered in like Manner, and shall be in all respects, as far as possible, similar to 15 such final Certificate of Loan as mentioned in Clause Eight, and shall have the same Effect of creating a Charge on the Holding, repayable by a Rentcharge at the Rate of *Five Pounds per Centum* on the Sums certified for *Thirty-five Years*.

Term within
which un-
received
Portion of
Rentcharge
may be
purchased
up by Com-
missioners.

11. Such last-mentioned Rentcharge shall be considered as re- 20 ceived annually by the Tenant so long as he shall remain in Occupation, or until the same shall have been purchased up by the Commissioner; and at any Time within the said *Thirty-five Years* the Tenant may apply to the Commissioner to purchase up such Portion of such Rentcharge as may remain so unreceived at the 25 Date of such Application, and on such Application being made in Writing the Commissioner shall, on being satisfied that the Improvement has been upheld and maintained in a satisfactory Manner, pay to the said Tenant the Value of such unreceived Portion of such Rentcharge, such Value to be ascertained according to a Schedule 30 to be prepared and certified by the Actuary for the Time being of the Commissioner, and approved by the Lords Commissioners of Her Majesty's Treasury, and thereupon such Rentcharge shall vest, for the Residue of said Term of *Thirty-five Years* then unexpired, in the Commissioner, in the same Way as if such Rentcharge had been 35 originally created as a Security for a Loan made by the Commissioner under the Authority of this Act.

Powers of
Collectors
of Rent-
charges.

12. The Commissioner may, with the Approval of the Lord Lieutenant, appoint such Persons, whether Baronial Constables, Poor Law Collectors, or other Persons, as he shall think proper, and 40 with such Allowances as shall from Time to Time be fixed by him, and such Collectors when appointed shall have all such Powers and Privileges

Privileges for the recovering said Rentscharges as Baronial Constables or Poor Law Collectors have for Recovery of the Cesses and Rates authorized to be collected by them respectively; and the said Rentscharges may also be recovered, in the Name of the Commissioner, by all the Ways and Means Rentscharges under the herein-before recited Acts may be collected, and the said Constables and Collectors shall be authorized to levy, in addition to the Amount of said Rentscharges, the Sum of *One Shilling* in the Pound of same, in case the same shall be in arrear for *Thirty-one Days* after same shall have been demanded.

13. So long as any Holding shall continue charged with any Rentscharge under this Act, the occupying Tenant for the Time being shall be bound to uphold and maintain the said Improvements in good Order and Condition; and in default of so upholding and maintaining the same the Landlord of such Holding, or the Person in Receipt of the Rent, or any Officer or Servant of the Commissioner, may complain to the Commissioner; and on its being made to appear to the Satisfaction of the Commissioner that such occupying Tenant has neglected to uphold and maintain the said Works in good Order and Condition, the Commissioner may order the said Tenant to expend such Sum as he may think necessary in repairing, upholding, and maintaining the said Works; and in default of the said Tenant complying with such Order the Commissioner may himself expend such Sum for such Purpose as aforesaid, and the Sum so expended shall be levied off the Tenant by the Authority of the Commissioner in the same Way as Arrears of Rentscharge may, under the Provisions of this Act, be levied; and in case such Improvement shall have been made originally at the Expense of the Tenant, and the Rentscharge therefor shall not have vested in the Commissioner, the Commissioner, on being satisfied of such Neglect in upholding and maintaining the said Works, may, if he thinks fit, cancel the Certificate of Charge, or reduce it by such Portion thereof as he may think proper, and such Cancellation or Reduction shall be thereupon registered by the Commissioner as herein-after directed.

Maintaining the Improvements, 9 & 10 Viet. c. 32. s. 44.

14. Where any Improvement under this Act is effected wholly or partially by the Labour of the Tenant or his Family, the Value of such Labour may be deemed to be Part of the Expenditure under the original Estimate incurred in making the Improvement, and be taken into account accordingly in certifying such Expenditure.

Labour of Tenant to be taken into account.

15. In all such Proceedings as aforesaid, and in all other Proceedings under this Act or the Acts incorporated herewith, the Certificate of the said Commissioner as to the issuing of the Loan,

Evidence in Proceedings under Act.

the Completion of the Works, the charging of the Rentcharge on the Holding, and the Default in Payment of the Rentcharge, shall be conclusive Evidence of the Facts contained in such Certificate.

Registration
of Certifi-
cates under
Act.

16. The Commissioner shall provide and keep in his Office One or more Books, in which there shall be registered from Time to Time, according to their Dates, all Certificates issued under this Act, and all Purchases of Rentcharges by the Commissioner, and all Cancellations or Reductions of Charge, as herein-before respectively provided, and shall cause to be made and kept in his said Office proper Indexes according to the Names of the several Lands, 10 and also of the Landlords or other Persons entitled to the Rent of same, and shall give a Copy of every such Certificate on Payment of a Fee of One Shilling; and any Person shall be at liberty to search such Books, on Payment of a Fee of *Two Shillings and Sixpence*. 15

Validity of
Instruments
under this
Act.

17. All Orders, Charges, Securities, Bonds, Contracts, Agreements, Releases, Receipts, Discharges, Instruments, and Proceedings under the Provisions of this Act shall have the same Power, Effect, and Validity for the Purposes of this Act that any Orders, Charges, Securities, Bonds, Contracts, Agreements, Releases, Receipts, Dis- 20 charges, Instruments, or Proceedings under the said recited Act, and the several Acts amending the same, have for the Purposes of the said Acts, and no Proceedings under this Act shall be liable to Stamp Duty.

Incorporat-
ing Clause.

18. The Commissioner appointed under this Act, and all Persons 25 acting under him in any Capacity or by his Order, shall have all the Powers, Authorities, and Privileges, of what Kind or Nature soever, contained in or referred to by the said recited Act, and the several Acts amending the same, and thereby given to the Commissioners of Public Works in Ireland, and those employed by them, 30 so far as the same are applicable to this Act.

No Improve-
ments under
this Act
where Land
charged for
same De-
scription of
Improve-
ments by
Owner.

19. No Loan shall be made under this Act to any occupying Tenant where the Owner shall have already obtained a Loan from the Commissioners of Public Works in Ireland for the same Description of Improvements on the same Land, or any Portion of 35 the same which shall remain unpaid.

Removal of
Buildings
and Fixtures
by Tenant.

20. That all Buildings and Fixtures hereafter erected and attached to the Freehold by the Tenant at his sole Expense, and which shall not have been so erected or affixed in pursuance of any Obligation, or in violation of any Agreement in that Behalf, or 40 under

under the Provisions of this Act, may be removed by the Tenant, his Executors or Administrators, during the Tenancy, or when the Tenancy determines by some uncertain Event, and without Default of the Tenant, within Three Calendar Months after such Determination, unless the Landlord shall elect to purchase same as herein-after provided: Provided that the Landlord shall be entitled to reasonable Compensation for any Injury or Damage to the Land or Premises occasioned by such Removal.

21. Previous to removing any such Buildings or Fixtures the Tenant shall give a Notice in Writing to his immediate Landlord of his Intention to remove them at the Expiration of Three Months, and it shall be lawful for the Landlord, at any Time within such Term, to declare in Writing to such Tenant his Willingness to purchase same, and thereupon such Landlord and Tenant may and shall, if they cannot agree on the Sum to be paid for such Buildings or Fixtures, each nominate by Writing under his Hand an Arbitrator to fix the Amount of Purchase Money for the same, who shall have Power to call in an Umpire; and the Award of the Arbitrators or Umpire, as the Case may be, shall be made within One Month after their Appointment, and shall be final and conclusive between the Parties, and the Amount fixed thereby shall become a Debt due from the Landlord to the Tenant, recoverable at Quarter Sessions, whatever the Amount may be, and the said Buildings and Fixtures shall be thenceforth not removeable by said Tenant.

Notice of
Removal of
Fixtures.

SCHEDULE (A.)

County.	Survey and Plans.	Township.	Name and Address of Landholder, and of Person in Receipt of Tenant's Rent.	Name of Tenant.	Sex.	Quantity of Land in Holding, and Valuation.	Amount of Tenant's Rent, whether paid in Cash or otherwise.	Estimated Expenses, and amount suggested to be paid.	Whether Improvement is to be made by Tenant or with Tenant's own Money.

[Description of the proposed Improvements.]

Tenants Improvements
(Ireland).

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B I L L

To promote the Improvement of Land
by occupying Tenants in Ireland.

*(Prepared and brought in by
Lord Nuns and Mr. Solicitor General for Ireland.)*

*Ordered, by The House of Commons, to be Printed,
18 February 1867.*

[Bill 29.]

Under 2 oz.